

UNITED STATES DISTRICT COURT  
for the

## Western District of North Carolina

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: \_\_\_\_\_ Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

### III. ADDITIONAL COMMENTS

Had the 2007 retroactive Crack Cocaine Amendment been in place at the original sentencing, the guideline range for imprisonment would not have changed.

Except as provided above, all provisions of the judgment dated 1/29/02 shall remain in effect.

## IT IS SO ORDERED

Order Date: November 7, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

*Frank Thompson*

Lacy H. Thornburg  
United States District Judge

